

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**RICK SHIMITZ, on his own behalf,
DARCEY SHIMITZ, on her own
behalf, and CHAD SCHROEDER, in
his individual capacity,**

Plaintiffs,

v.

TYSON FRESH MEATS, INC.,

Defendant.

CASE NO. 8:01CV27

ORDER

This matter is before the Court on the motion to withdraw (Filing No. 470) filed by the law firms of Croker, Huck, Kasher, DeWitt, Anderson & Gonderinger, L.L.C., and Resolution Law Group, P.C., (collectively "Plaintiffs' counsel"). The motion was filed pursuant to NEGenR 1.3(f), requesting authorization to withdraw as attorneys of record for Plaintiff Rick Shimitz ("Shimitz"), only. Plaintiffs' counsel represents in the motion that Plaintiff Rick Shimitz has terminated his fee agreement with Plaintiffs' counsel, and Shimitz has obtained a Chapter 7 bankruptcy discharge of his personal obligation to repay costs that Plaintiffs' counsel have advanced in this matter on his behalf.

The Defendant has no objection to the motion, but asks the Court to order that Plaintiff Rick Shimitz be required to either 1) enter his appearance pro se, or 2) identify substitute counsel within 30 days.

Based on the facts provided by Plaintiffs' counsel, the motion to withdraw as counsel for Rick Shimitz will be granted. Given the protracted nature of this litigation, the Court considers the Defendant's request to be reasonable and supported by good cause.

Accordingly,

IT IS ORDERED:

1. The Motion to Withdraw as counsel for Plaintiff Rick Shimitz only (Filing No. 470) is granted;
2. Plaintiff Rick Shimitz is no longer represented in this matter by the law firms of Croker, Huck, Kasher, DeWitt, Anderson & Gonderinger, L.L.C., and the Resolution Law Group, P.C. and their lawyers, and the Clerk shall make the necessary adjustment to the docket;
3. Within 15 days of the date of this order, Plaintiff Rick Shimitz must either enter his appearance pro se in writing or provide a written substitution of counsel;
4. Plaintiff Rick Shimitz's failure to comply with paragraph 3 of this order may result in dismissal of his claims against the Defendant;
5. The law firms of Croker, Huck, Kasher, DeWitt, Anderson & Gonderinger, L.L.C., and the Resolution Law Group, P.C. and their lawyers continue to represent Plaintiffs Darcey Shimitz and Chad Schroeder;
6. Having been notified by Plaintiffs' counsel that the Plaintiff Chad Schroeder is expected to return to the United States next month to continue his military service, within 30 days of this order, Plaintiff Chad Schroeder shall file an affidavit stating his intention to proceed, or not, as a plaintiff in his individual capacity in this matter; and
7. The Clerk of the Court is directed to mail a copy of this order directly to Rick Shimitz at the address provided in the motion's certificate of service: Rick Shimitz, 1435 Miracle Way, Apt. #13, El Paso, Texas, 79925.

DATED this 27th day of February, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge